IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 25849 of 1999

Between:

J.T.Appalaraju, S/o.J.Veerraju, retrenched Casual Mazdoor
of East Godavari Telecom District, Rajahmandry.

..... PETITIONER

AND

1 The Sub-Divisional Engineer (Cables-I)
11-9-2/B, Hotel Mahalakshmi Road, Rajahmundry.
2 The Divisional Engineer (CC)
11-9-2/B, Hotel Mahalakshmi Road, Rajahmundry.
3 The General Manager, East Godavari Telecom District, Rajahmundry.
4 The Chief General Manager, Telecom Andhra Pradesh, (Rep.by its Union of India)
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of certiorari, calling for records relating to the impugned order dated 21-6-1999 in O.A.No.96 of 1998 on the file of the Hyderabad Bench of the Central Administrative Tribunal (on the 1st Floor, HACA Bhavan, Hyderabad) and the 1st respondents letter No.E-3/TSM & CM/98-99/69 dated 17-8-99 as well as the 3rd respondent's letter No.E.14/CMs/Geml/III/109 dated 30-7-1999 and to quash the

same with consequential directions to the respondents to reinstate the petitioner with continuity of service, protection of seniority (on the basis of the date of his initial recruitment) and back wages as per the law laid down by the Hon'ble Supreme Court besides awarding exemplary costs and advocate's Fee.

Counsel for the Petitioner: MR.C.SURYANARAYANA

Counsel for the Respondents: MR.K.MANIK PRABHU (STANDING COUNSELFOR CENTRAL GOVERNMENT)

WRIT PETITION NO : 25988 of 1999

Between:

N.Satyanaryana, son of N.Nookaraju, retrenched Causal Mazdoor

of East Godavari. Telecom District , Rajahmundry.

..... PETITIONER

AND

1 The Sub-Divisional Engineer (Cables- I),
11-9-2/B, Hotel Mahalakshmi Road, Rajahmundry- 533 104
2 The Divisional Engineer (CC), 11-9-2/B, Hotel Mahalakshmi Road, Rajahmundry- 533 104.
3 The General Manager, East Godavari Telecom District Rajahmundry- 533 150
4 The Chief General Manager, Telecom, Andhra Pradesh (representing Union of India), Hyderabad-500 001

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction, more particularly a writ in the nature of certiorari, calling for the records relating to the impugned order dt. 21/06/1999 in OA.No. 97/1998 on the file of the Hyderabad Bench of the Central Administrative Tribunal (on the 1st Floor, HACA Bhavan,Hyderabad-500 004) and the 1st respondent letter No. E-3/TSM & CM/98-99/69 dated. 17/08/99 as well as the 3rd respondent's Letter No. E14/CMs/Genl/III/109 dt. 30/07/1999 and to quash the same with consequential directions to the respondents to reinstate the petitioner with continuity of service, protection of seniority (on the basis of the date of his initial recruitment) and back wages as per the law laid down by the Hon'ble Supreme Court besides awarding exemplary costs and advocates fee.

Counsel for the Petitioner: MR.C.SURYANARAYANA

Counsel for the Respondents: MR.K.MANIKPRABHU (STANDING COUNSEL FOR CENTRAL GOVERNMENT)

The Court made the following:

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ORAL ORDER: (per GB.J.)

Both the Writ Petitions can be decided by a common order as the point arise for consideration is one and the same.

2. The petitioners were initially appointed as Casual Labour and they were disengaged for want of work. The grievance of the petitioners is that though similarly situate persons were regularized in service, their services were not regularized and they were disengaged from service and therefore they sought for appropriate directions. After elaborate consideration of the matter and also verifying the respective dates of appointment and number of days the petitioners worked, the Tribunal held that except to reiterate the direction given in O.A.Nos.886 of 1994 and 1420 of 1996, the petitioners are not entitled for the relief prayed for and dismissed the O.As. Against the said orders, the present Writ Petitions have been filed.

3. The learned counsel for the petitioners submits that discrimination was meted out to the petitioners, as they are seniors to the other existing regularly converted casual labour and therefore the Tribunal ought to have granted appropriate directions.

4. We have also heard Mr.K.Manikprabhu, learned Standing Counsel for Central Government.

5. We are afraid we cannot accept the contention raised by the learned counsel for the petitioners. As already observed by us, the Tribunal has gone into the matter with reference to the date of appointment and man days put in by the petitioners and while dismissing the O.As., directions were granted to consider their case. Thus, we do not find any ground to interfere with the order of the Tribunal.

6. In the result, both the Writ Petitions are dismissed. No costs.

G.BIKSHAPATHY, J.

31st January, 2005.

P.S.NARAYANA, J.

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Sub-Divisional Engineer (Cables-I)
11-9-2/B, Hotel Mahalakshmi Road, Rajahmundry.
2 The Divisional Engineer (CC)
11-9-2/B, Hotel Mahalakshmi Road, Rajahmundry.
3 The General Manager, East Godavari Telecom District, Rajahmundry.
4 The Chief General Manager, Telecom Andhra Pradesh, (Rep.by its Union of India), Hyderabad.

5 The Registrar, Central Administrative Tribunal, Hyderabad.

6 2 CCs to Mr.K.Manik Prabhu, Standing Counsel for Central Government, High Court of A.P. Hyderabad. (OPUC)

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